

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
June 12, 2012**

A regular session of the Winchester Common Council was held on Tuesday, June 12, 2012 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:01 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi, Les Veach and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (9)

ABSENT: None (0)

INVOCATION – President Buettner led the citizens and councilors in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – March 20, 2012 Work Session, March 27, 2012 Special Meeting, March 27, 2012 Work Session, April 17, 2012 Special Meeting, April 17, 2012 Work Session, April 24, 2012 Work Session, May 1, 2012 Special Meeting, May 8, 2012 Regular Meeting, May 15, 2012 Work Session, May 22, 2012 Special Meeting, and May 22, 2012 Work Session

Vice-President Willingham moved to approve the minutes as presented. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

R-2012-42: Resolution – Retirement of Mike Sargent

Mayor Minor asked for the resolution to be held over to next month to allow Mr. Sargent to attend the meeting.

REPORT OF THE CITY MANAGER

City Manager Dale Iman reported that at a Jail Authority meeting last week, the authority voted to increase the budget by \$250,358.00 to cover the additional VRS contribution for employees. The share to the City is \$91,806.00 under the formula that now exists. The Finance Director recommends waiting for at least half a year to see how revenues and expenditures are performing before proposing a supplemental appropriation to cover this additional expense.

Mr. Iman stated each councilor has been provided with correspondence from Shenandoah University detailing the cost estimates for the proposed Millwood Avenue Public Improvement Plan in the amount of \$2 million and a funding commitment from Shenandoah University to cover the costs. There are also letters from the adjacent property owners impacted by the changes being proposed indicating their support of the Geometry Design Plans.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated a Green Sheet was distributed to include an amendment to a previous resolution that will include the 2005 bonds in the refinancing to save approximately \$400,000. It does not affect the \$30 million cap in the original ordinance.

Mr. Williams presented updates on several items on the agenda. He stated resolutions 2012-38 and 39 contain minor modifications as requested by VDOT. Staff is requesting the Spot Blight Abatement Ordinance 2012-24 be withdrawn as the property at 630 N. Loudoun Street has changed hands. He stated the Zoning Administrator plans to bring forward a text amendment that will alter the way the City handles night clubs. Therefore, he recommended tabling the decision on TC Tooties for six months. He also stated staff has requested tabling Ordinance 2012-09 so the landowners can work out their differences.

PUBLIC HEARINGS

O-2012-14: Second Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2012

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:10 p.m.

Councilor Clark moved to adopt O-2012-14. *The motion was seconded by Councilor Tagnesi then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-15: Public Hearing – AN ORDINANCE TO VACATE A PORTION OF VALLEY AVENUE RIGHT-OF-WAY ADJACENT TO 1000 VALLEY AVENUE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:106 p.m.

O-2012-16: Second Reading – AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 119-129 NORTH LOUDOUN STREET, WINCHESTER, VIRGINIA (TAYLOR HOTEL)

Harry Gormas of P.O. Box 315 in Winchester spoke against R-2012-35 to approve the MOA with the Virginia State Historic Preservation Office for partial demolition of 119-124 N. Loudoun Street. He presented Council with a plan at a previous meeting and asked that his plan be reconsidered. He and his investors will be meeting with Mr. Deskins in the morning to discuss that option. He asked Council to amend and strike the resolution so it is not approved.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:17 p.m.

Councilor Veach moved to adopt O-2012-16. *The motion was seconded by Councilor Weber then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Abstain
President Buettner	Aye

O-2012-17: Second Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:17 p.m.

Vice-President Willingham moved to adopt O-2012-17. *The motion was seconded by Councilor Weber then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2010-24: Second Reading – AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND ABATE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 630 NORTH LOUDOUN STREET (Public Hearing Held and Tabled on December 13, 2011 for six months)

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

Vice-President Willingham moved to withdraw O-2010-24 as requested. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

CU-12-95: Conditional Use Permit – Request of the Economic Development Authority for a conditional use permit for a neighborhood convenience establishment at 443 North Loudoun Street (*Map Number 173-01-I-25*) zoned High Density Residential (HR) District with Historic Winchester (HW) District overlay.

Mary Gage of 440 N. Braddock Street spoke against the conditional use permit at 443 North Loudoun Street and provided several areas of concern. She stated the vehicles must not infringe on the neighboring properties, no motorcycles or items holding gasoline or anything that will attract rodents should be stored, hours of operation should be 8 a.m. to 8 p.m. daily or less, leases must be advertised to immediate area residents, no illegal items can be stored, must have low noise levels so not to disturb the peace in the neighborhood, the two south units should only have entrances on Loudoun Street, should have a one year probation period, street/alley must be maintained by the city, and the owners profit should be \$4,800 per year.

Richard Hampton of 415 N. Loudoun Street spoke against the conditional use permit. He stated there have been several blighted properties in between his house and the property in question. He includes 443 N. Loudoun as being blighted because of the tall grass and asked who owns the property and who takes care of it. He stated if no one is taking care

of it now, who will take care of it when it is a commercial property not to mention follow the rules that Ms. Gage laid out. He asked if the structure will be torn down and a modern storage facility will be built or if the current wood structure will be used.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:25 p.m.

Councilor Veach moved to approve CU-12-95. The motion was seconded by Vice-President Willingham.

Mayor Minor moved to table CU-12-95 for 30 days. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

CU-11-62: Conditional Use Permit – Request to revoke the conditional use permit to operate a nightclub establishment at TC Tooties Historic Sports Pub (Public Hearing closed and decision tabled on May 8, 2012 for 30 days.)

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

Vice-President Willingham moved to table CU-11-62 for six months as requested. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Public Hearing: Appoint Allyson Pate as an “At Large (Ward 1)” member of the Winchester School Board

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

Public Hearing: Appoint Richard Bell as an “At Large (Ward 1)” member of the Winchester School Board

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

PUBLIC COMMENTS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:30 p.m.

CONSENT AGENDA

Motion to re-appoint John Bishop (At Large Ward 2) and appoint Erica Truban (At Large Ward 4) and Mary Margaret Wise (Ward 1) as members of the School Board for a four year term each expiring June 30, 2016

Motion to amend the Residency designation for Vince DiBenedetto from “Ward 3” to “At Large Ward 2”

Motion to amend the Residency designation for Sharion Poston from “At Large Ward 4” to “Ward 3”

Motion to reappoint Patrick Rodgers and Carolynne Griffin as members of the Community Development Committee for a three year term each expiring June 30, 2015

Motion to reappoint Rebecca Allen as a member of the Shenandoah Area Agency on Aging for a four year term expiring June 30, 2016

Motion to reappoint T'ai Roulston as a member of the Tree Commission for a four year term expiring June 30, 2016

Motion to reappoint Kim Burke as the OTDB representative on the Winchester Parking Authority for a five year term expiring June 30, 2017

Motion to concur with the reappoint of James R. Wilkins, III as the At Large Member of the Frederick-Winchester Service Authority to a three year term expiring August 31, 2014

Motion to reappoint Kyle Homan, Matt Mintschenko, and Brian Wigley as members of the Parks and Recreation Board for a three year term each expiring June 30, 2015

Motion to reappoint Jon Henschel and Eddie McClellan as members of the Lord Fairfax Emergency Medical Services Council for a three year term each expiring June 30, 2015

Motion to reappoint Stephen Gyurisin as a member of the Old Dominion Alcohol Safety Action Program Board for a three year term expiring June 30, 2015

Motion to reappoint Stephen Gyurisin as a member of the Old Dominion Community Criminal Justice Board for a three year term expiring June 30, 2015

Motion to appoint Joseph Wright as a member of the Lord Fairfax Community College Board for an unexpired four year term ending June 30, 2013

Motion to reappoint Nancy “Tootie” Rinker and Eric Campbell and appoint Rainee Simpson as members of the Winchester-Frederick County Tourism Board for a three year term each expiring on June 30, 2015 (page)

Motion to amend the appointment of Dale Iman as a member of the Juvenile Detention Commission to the Alternate Fiscal Agent member of the Juvenile Detention Commission

Councilor Tagnesi moved to approve the Consent Agenda as presented. The motion was seconded by Councilor Hill.

Councilor Veach moved to remove the appointment to the Shenandoah Area Agency on Aging. *The motion was seconded by Vice-President Willingham then unanimously approved by voice-vote.*

Vice-President Willingham moved to approve the Consent Agenda as amended. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

AGENDA

Motion to accept the report of the in-house viewers for: AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78 (**STAFF REQUESTS TO TABLE FOR ONE MONTH**)

Vice-President Willingham moved to table the motion to accept the in-house viewers report for one month. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

O-2012-09: Second Reading – AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78 (**STAFF REQUESTS TO TABLE FOR ONE MONTH**)

Vice-President Willingham moved to table O-2012-09 for one month. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

O-2012-18: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 14-84 OF THE WINCHESTER CITY CODE PERTAINING TO EXEMPTION FROM FOUR (4) HOURS FREE PARKING REQUIREMENTS FOR DISABLED CONTAINED IN 46.2-1245 OF THE CODE OF VIRGINIA IN PARKING GARAGES MANAGED BY THE WINCHESTER PARKING AUTHORITY

O-2012-19: First Reading – A REVISION TO REVOKE SECTION 13-9 OF THE WINCHESTER CITY CODE PERTAINING TO THE REGULATION OF MASSAGE PARLORS

O-2012-22: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 7.1-1 OF THE WINCHESTER CITY CODE PERTAINING TO SERVICE FEES FOR EMERGENCY MEDICAL TRANSPORT

O-2012-20: First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, 10, 11 AND 18 OF THE WINCHESTER ZONING ORDINANCE

PERTAINING TO DEFINITIONS, USE PROVISIONS AND PARKING PROVISIONS
FOR ARENAS, AMPHITHEATERS, AND STADIUMS **TA-12-187**

O-2012-21: First Reading – AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT-OF-WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY **SV-12-251**

R-2012-34: Resolution – Approval of a refund in the amount of \$99,297.30 to Federal Mogul Corporation for overpayment of Business Personal Property Taxes

Vice-President Willingham moved to approve R-1012-34. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2012-35: Resolution – Approve and authorize the execution of a Memorandum of Agreement with the Virginia State Historic Preservation Office regarding partial demolition and rehabilitation of 119-129 North Loudoun Street (Taylor Hotel)

Councilor Weber moved to approve R-2012-35. *The motion was seconded by Councilor Veach then approved 8/0 with Vice-President Willingham abstaining.*

R-2012-37: Resolution – Authorize Fire and Rescue Chief to execute all necessary documents for the “Fee for Service” Revenue Disbursement Memorandum of Understanding

Vice-President Willingham moved to approve R-2012-37. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

R-2012-40: Resolution – Certify the VRS member contributions for Plan 1 employees of the City of Winchester

Vice-President Willingham moved to approve R-2012-40. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

R-2012-41: Resolution – Certify the VRS member contributions for the Plan 1 employees of the Winchester Public Schools

Vice-President Willingham moved to approve R-2012-41. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2012-36: Resolution – Endorsement of the Millwood Avenue Geometry Design Plan and encourage Shenandoah University to proceed with final roadway plans and resolution of non-traffic engineering issues

Vice-Mayor McInturff moved to approve R-2012-36. *The motion was seconded by Vice-President Willingham then approved 7/2 with Councilor Clark and Mayor Minor voting in the negative.*

R-2012-38: Resolution – Endorsement of the proposal to modify the “Limited Access Line” on Jubal Early Drive between Millwood Avenue and Pleasant Valley Road as necessary to construct proposed improvements

Vice-President Willingham moved to approve R-2012-38. *The motion was seconded by Councilor Veach then approved 8/1 with Councilor Clark voting in the negative.*

R-2012- 39: Resolution – Request all right-of-way from previous projects still owned by the Virginia Department of Transportation within the City of Winchester be conveyed to the City

Vice-President Willingham moved to approve R-2012-39. *The motion was seconded by Councilor Veach then approved 8/1 with Councilor Clark voting in the negative.*

Motion to appoint Perry Eisenach, Aaron Grisdale, and Jim Deskins as in-house viewers for: **O-2012-15:** AN ORDINANCE TO VACATE A PORTION OF VALLEY AVENUE RIGHT-OF-WAY ADJACENT TO 1000 VALLEY AVENUE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY

Vice-President Willingham moved to appoint the in-house viewers for O-2012-15. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

Announce the term expirations of J.P. Carr and Suzanne Conrad as members of the Economic Development Authority effective August 31, 2012. Mr. Carr and Ms. Conrad are eligible for re-appointment.

Announce the resignation of David Heglas as a member of the Winchester School Board effective May 18, 2012.

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for David Heglas as a member of the Winchester School Board

Vice-President Willingham moved to approve the preparation of the Certificate of Appreciation. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

Motion to amend the June 12, 2012 Council Agenda to amend the following items to the:

AGENDA

R-2012-44: Resolution – Amendment to R-2012-29 to include Series 2005 Bonds for refinancing.

Vice-President Willingham moved to amend the agenda. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

Vice-President Willingham moved to approve R-2012-44. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

ADJOURNMENT

Vice-President Willingham moved to adjourn the meeting at 7:43 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council